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**IBM CORPORATION  
INTELLECTUAL PROPERTY LAW DEPT  
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**FEB 26 2010**

In re Application of  
Brian Samuel Beaman, et al.  
Application No. 09/251,988  
Filed: February 17, 1999  
Attorney Docket No. Y0998-088

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:  
: DECISION GRANTING PETITION  
: UNDER 37 CFR 1.313(c)(2)  
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 25, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on December 14, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2829 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the amendment previously filed, February 9, 2010.

Terri Johnson  
Petitions Examiner  
Office of Petitions

<sup>1</sup> *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of Applicants: Date: February 25, 2010  
Beaman et al. Group Art Unit: 2829  
Serial No.:09/ Examiner: J. M. Hollington  
Filed: February 17, 1999 Docket No.: Y0R91999088US1  
For: STRUCTURAL DESIGN AND PROCESSES TO CONTROL PROBE  
POSITION ACCURACY IN A WAFER TEST PROBE ASSEMBLY

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**PETITION  
UNDER  
37 CFR 1.313  
For  
WITHDRAWAL OF ISSUANCE**

Applicants petition for withdrawal of issuance of the above identified application. The good and sufficient reason is to enter the RCE request submitted on 02/09/2010 which was submitted subsequent to the "Notice of Allowance and Issue Fee Due" dated 09/14/2009 and after the issue fee was paid on 12/14/2009. Applicants submitted a request that interference be declared on 08/21/2006 entitled "APPLICANT REQUESTS AN INTERFERENCE BE DECLARED UNDER 37 CFR 41.202," but did not receive a response to that request until after 12/14/2010 the last date by which the issue fee could be paid to avoid abandonment of the application. Prior to 12/14/2010 Applicants discussed the matter of not receiving a response to the request that interference be declared with Supervisory Examiner Ha Nguyen. Supervisory Examiner Ha Nguyen suggested that since Applicants did not receive a response to the request for declaration that interference be declared, they pay the issue fee to avoid abandonment and that she would request that the examiner examining the application, Examiner Hollington, withdraw the "Notice of Allowance and Issue Fee Due" dated 09/14/2009, provide a response to the request that interference be declared dated and either have an interference declared or issue a second "Notice of Allowance and Issue Fee Due" dated 09/14/2009.

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with a response to the request that interference be declared dated 08/21/2006. This did not occur. Applicants receive a Supplemental Notice of Allowability dated 12/29/2009 which contains a response the request that an interference be declared. 08/21/2006 without a withdrawal of the "Notice of Allowance and Issue Fee Due" dated 09/14/2009. Applicants again discussed this with Supervisory Examiner Ha Nguyen after receiving the "Notice of Allowance and Issue Fee Due" dated 09/14/2009. Supervisory Examiner Ha Nguyen again told Applicants that she again requested Examiner Hollington to withdraw the "Notice of Allowance and Issue Fee Due" dated 09/14/2009 and issue a second "Notice of Allowance and Issue Fee Due." As of submission of this petition this has not happened.

Applicants believe that this is good and sufficient reason to grant this petition to grant the RCE request submitted on 02/09/2010.

Concurrent herewith Applicants are submitting a written request for the Examiner to withdraw the "Notice of Allowance and Issue Fee Due" dated 09/14/2009 and to issue a second "Notice of Allowance and Issue Fee Due."

Please charge any fee necessary to enter this paper and any previous paper to deposit account 09-0468.

Respectfully submitted,

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